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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,636

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Michael A. Rothman

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INTEL/BSTZ

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EXAMINER

FORD, GRANT M

ART UNIT

PAPER NUMBER

2441

MAIL DATE

DELIVERY MODE

02/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,636	Applicant(s) ROTHMAN ET AL.	
	Examiner GRANT FORD	Art Unit 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-15,27,28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,6,10-15,27,28 and 30 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/27/2009, 11/6/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/6/2008, with respect to the prior art rejection of claims 1, 3, 6-15, 27-28, and 30 have been fully considered and are persuasive. The prior art rejection of claims 1, 3, 6-15, 27-28, and 30 has been withdrawn.

Claim Objections

2. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 recites the limitation "the target resource". There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

5. Claims 1, 3, 6, 10-15, 27-28, and 30 are allowed.

6. The following is an Examiner's statement of reasons for allowance:

In interpreting the claims amended in Applicant's response dated 11/6/2008 and in view of Applicant's arguments, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

7. The prior art of record fails to teach the limitations of ***receiving a request for a first server blade to access a shared resource hosted by a second server blade, using a first firmware located at the first server blade, determining the second server blade via which the shared resource may be accessed wherein the first firmware implements an Extensible Firmware Interface framework, entering a System Management Mode at the first server blade and the second server blade, in response to entering the System Management Mode initiating an out of band communications channel between the first server blade and the second server blade, sending the request to the second server blade via the out of band communications channel, and using second firmware located at the second server blade, accessing the shared resource wherein the second firmware implements the Extensible Firmware Interface framework,*** as claimed in combination with the remainder of limitations present in independent claim 1.

8. **Chilton (US 2002/0124134)** teaches a data storage system cluster architecture. Chilton teaches sharing resources between multiple computing platforms by determining which platform stores a shared resource, and accessing the shared resource. However, Chilton fails to explicitly teach or suggest the use of blade servers,

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wherein a request is received for a first server blade to access a shared resource hosted by a second server blade, using a first firmware located at the first server blade, determining the second server blade via which the shared resource may be accessed wherein the first firmware implements an Extensible Firmware Interface framework, along with other claim features present in independent claim 1 (**Chilton, Para. 0036**).

9. **Cohn et al. (US 2003/0191908)** teaches a dense server environment that shares an IDE drive. Cohn teaches a blade server environment whereby a first blade server is capable of locating a shared resource located at another blade server and requesting/accessing said shared resource located at another blade server through the use of firmware. However, Cohn fails to explicitly teach or suggest the use of an Extensible Firmware Interface framework, or the System Management Mode features in combination with other limitations present in independent claim 1 (**Cohn, Abstract, Para. 0040**).

10. **Hemphill et al. (US 5,696,895)** teaches fault tolerant multiple network servers. Hemphill teaches sending resource access requests to a second computing platform via an out of band communication channel. Hemphill additionally teaches wherein the out of band communication channel comprises one of a system management bus, an Ethernet-based network, or a serial communication link. However, Hemphill fails to explicitly teach or suggest the System Management Mode features in combination with

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other limitations present in independent claim 1 (**Hemphill, Abstract, Figure 1, Col. 3 lines 31-48**).

11. Claims 3, 6, and 10-12 are allowed because of the combination of other limitations and the limitations listed above, in view of their dependency upon independent claim 1.

12. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Independent claims 13 and 27 are allowed because of the combination of allowable subject matter as outlined with respect at independent claim 1 above, in combination with other limitations.

14. Claims 14-15 are allowed because of the combination of other limitations and the limitations listed above, in view of their dependency upon independent claim 13.

15. Claims 28 and 30 are allowed because of the combination of other limitations and the limitations listed above, in view of their dependency upon independent claim 27.

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16. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. F./
Examiner, Art Unit 2441

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2442